

Public Notice of Application for Permit

Regulatory Branch (1145b)
Post Office Box 6898
Elmendorf AFB, Alaska 99506-6898

PUBLIC NOTICE DATE: February 6, 2004

EXPIRATION DATE:

March 8, 2004

REFERENCE NUMBER:

POA-2004-128

WATERWAY NUMBER:

Snake River

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

<u>APPLICANT</u>: Alaska Department of Transportation and Public Facilities, Northern Region Design and Construction, Attn: Patricia L. Wightman, 2301 Peger Road, Fairbanks, Alaska 99709-5316.

LOCATION: Beginning at latitude 64°33'32'', and longitude 165°27'56''ending at latitude 64°36'18, and longitude 165°26'28'', Nome C-1; Sections 22, 27, 33, and 34, T. 10 S.; Sections 3 and 4, T. 10-11 S.; R. 34 W., Kateel River Meridian.

WORK: Construct approximately 3.6 miles of 24-foot wide gravel surfaced roadway from Nome-Teller Highway to connect with the existing Glacier Creek Road near Glacier Creek and reconstruct approximately 0.6 miles of the existing Glacier Creek Road from Glacier Creek to just north of Rock Creek. There are 10 drainage crossings of which two are anadromous fish streams (Glacier Creek and Rock Creek). Culverts will be used for the Rock Creek crossing and a bridge for the Glacier Creek crossing. The culverts will be designed for hydraulic capacity and fish passage, in accordance with Tier 1 Stream Simulation Design. Tier 1 design is outlined in the 2001 Memorandum of Agreement Between ADF&G and ADOT&PF for the Design, Permitting, and Construction of Culverts for Fish Passage. Fill material will be placed as embankment for the roadway and pullouts.

A short segment of existing Glacier Creek Road where it crosses Glacier Creek will be bypassed by the new alignment and will no longer be needed. This 0.4 mile segment will be obliterated and the existing creek crossing removed.

Three fish streams crossing Glacier Creek Road north of the proposed Glacier Creek Road improvements; Balto Creek, Divining Creek and Prospect Creek, are currently listed by Fish and Game as moderate to high priority for reconstruction to provide improved hydraulic capacity and fish passage. These three crossings will be reconstructed.

Forty acres of wetlands will be filled using approximately 325,000 cubic yards of fill material discharged. All fill material would consist of local soils, rock,

and gravel from nearby commercial material sources. All fill slopes and other disturbed areas would be stabilized using appropriate methods to prevent erosion.

PURPOSE: The purpose and need for this project is to create a safe, reliable, low-maintenance road that is open most of the year and provides improved access from the Nome-Teller Highway to the north side of Rock Creek. As part of the Alaska Highway System, Glacier Creek Road should meet current design standards and reliably fulfill transportation needs. In its current configuration, the existing Glacier Creek Road is a narrow, winding, trail cut into the hillside. It is closed for eight or more months of the year. Snow closes the road in the early winter or late fall and persists through the spring months, when snowmelt runoff and saturated, unstable soil conditions create sinkholes and washouts at culverts and creek crossings.

Mining, tourism and recreational uses have been identified by locals and by socioeconomic analysts as being very important to both businesses and residents of Nome. The proposed road project would provide improved access for mining and added access for tourism and recreational users. Local bird watching and wildflower based tourism endeavors have identified the corridor as having the potential to benefit their clients' interests. Private residents have identified a need for improved access to enhance subsistence and recreational hunting and fishing, dog mushing, and general outdoor recreational opportunities. Turnouts will accommodate these activities.

ADDITIONAL INFORMATION: The Corps of Engineers reviewed the project in April of 1995. The proposal in being re-public noticed with the 2004 plans and design.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

<u>PUBLIC HEARING</u>: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In

addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. The affected Tribe upon written request to the District Engineer may initiate consultation during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area.

Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996, 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service.

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

The decision whether to issue a permit will be based on an evaluation EVALUATION: of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving Section 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) quidelines. Subject to the preceding sentence and any other applicable quidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order

to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Victor Ross at (907) 753-2716, toll free from within Alaska at (800) 478-2712, or by email at victor.o.ross@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

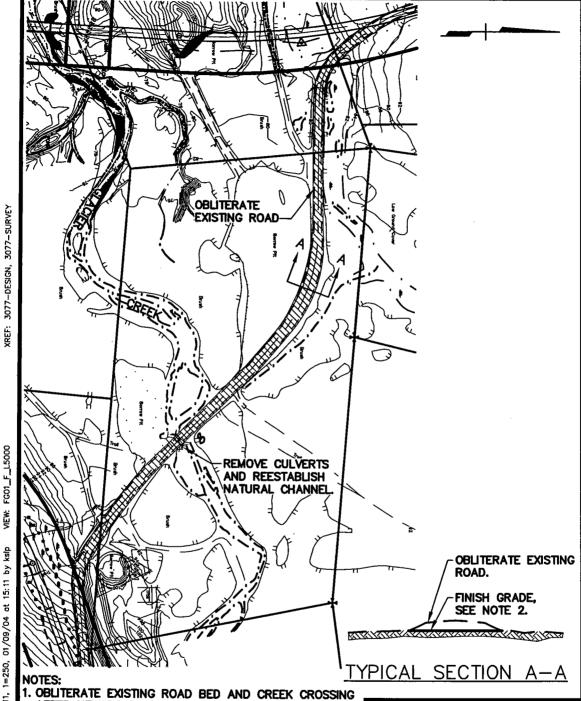
District Engineer U.S. Army, Corps of Engineers

Attachments

PLAN VIEW

Sheet 4 of 20

January 6, 2004



AFTER NEW ROAD IS CONSTRUCTED OPEN TO TRAFFIC.

2. EXCAVATE AND GRADE EXISTING ROAD BED AS REQUIRED TO REESTABLISH NATURAL SLOPE OF TERRAIN.

3. SEED ALL AREAS DISTURBED BY OBLITERATION OF ROAD BED.

4. REESTABLISH NATURAL CHANNEL OF CREEK BED BY FIRST DIVERTING CREEK TO MINIMIZE IN-WATER WORK AND THEN REMAINING CULVERTS AND ROAD BED. ALL IN-WATER WORK SHALL BE IN ACCORDANCE WITH CONTRACT/PERMIT STIPULATIONS.

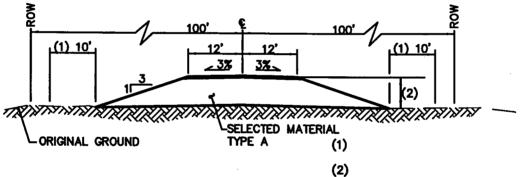
Alaska Department of Transportation and Public Facilities

GLACIER CREEK ROAD NOME, ALASKA Project No. STP-0132(1)/65984 T10S, R34W, SEC 22, 27, 33, 34 T11S, R34W, SEC. 3, 4 KATEEL RIVER MERIDIAN Waterbody: Norton Sound 71, 4-95009

OBLITERATE EXISTING ROAD

January 6, 2004

Sheet 11 of 20



TEMPORARY WORK AREA

VARIES; NOMINALLY 6 - FEET

TYPICAL SECTION

Alaska Department of Transportation and Public Facilities

GLACIER CREEK ROAD
NOME, ALASKA
Project No. STP-0132(1)/65984
T10S, R34W, SEC 22, 27, 33, 34
T11S, R34W, SEC. 3, 4
KATEEL RIVER MERIDIAN
Waterbody: Norton Sound 71, 4-950098

TYPICAL SECTION

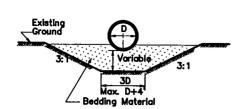
January 6, 2004

Sheet 12 of 20

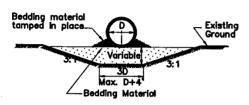
C12_F_L5000



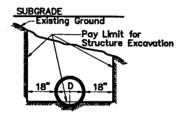
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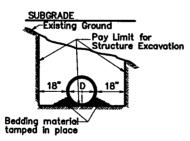
TYPE "A"
FOUNDATION STABILIZATION
To be used in unstable dreas as directed by the Engineer.



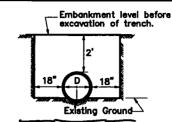
'ALTERNATE' TYPE "A" FOUNDATION STABILIZATION To be used in unstable areas as directed by the Engineer.



TYPE "C"

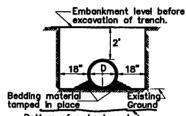


'ALTERNATE' TYPE "C"



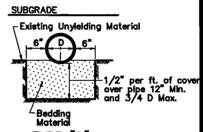
Bottom of embankment after subsidence

TYPE "B"

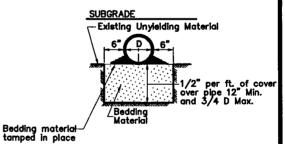


Bottom of embankment after subsidence

'ALTERNATE' TYPE "B'



TYPE "D" ROCK OR UNYIELDING MATERIAL



'ALTERNATE' TYPE "D" ROCK OR UNYIELDING MATERIAL

FISH PASSAGE CULVERTS

- GLACIER CREEK
- ROCK CREEK BALTO CREEK
- DIVINING CREEK PROSPECT CREEK

DRAINAGE CHANNELS
EIGHT DRAINAGE CHANNELS.

THE FIVE FISH PASSAGE CULVERTS WILL BE DESIGNED WITH A MINIMUM HYDRAULIC CAPACITY OF THE 50 YEAR DESIGN STORM, TO PROVIDE FISH PASSAGE IN ACCORDANCE WITH THE MEMORANDUM OF AGREEMENT BETWEEN ALASKA DEPARTMENT OF FISH AND GAME AND ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR THE DESIGN, PERMITTING AND CONSTRUCTION OF CULVERTS FOR FISH PASSAGE (TIER 1), AND TO MINIMIZE EROSION.

Alaska Department of Transportation and Public Facilities

GLACIER CREEK ROAD NOME, ALASKA Project No. STP-0132(1)/65984

T10S, R34W, SEC 22, 27, 33, 34 T11S, R34W, SEC. 3, 4 KATEEL RIVER MERIDIAN

Waterbody: Norton Sound 71, 4-950098 TYPICAL CULVERT DETAIL

January 6, 2004

Sheet 13 of 20

DISTURBANCE AREA OUTSIDE FILL LIMITS 12.000 SF

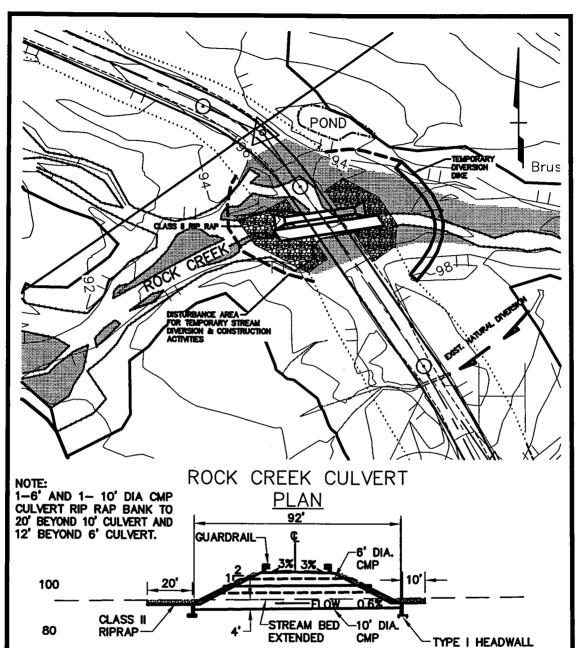
Waterbody: Norton Sound 71, 4-950098

BRIDGE SECTION

Sheet 14 of 20

January 6, 2004

ΛĒĶ ል project.03\031075_Geotech\3075- FIG14, 1=40, 01/09/04 at 14:04



ROCK CREEK CULVERT TYPICAL SECTION

NOTES:

- 1. IN-WATER CONSTRUCTION MAY OCCUR BETWEEN MAY 15 AND JULY 15. IN-WATER WORK BETWEEN JULY 15 AND MAY 15 WILL BE ISOLATED FROM FLOWING WATERS OF ALL ANADROMOUS FISH STREAMS, OR AS SPECIFIED IN THE PERMITS. CONSTRUCTION MAY OCCUR ABOVE THE ICE IN WINTER.
- 2.ROCK CREEK IS AN ACTIVE CREEK. THEREFORE, THE ORDINARY HIGH WATERLINE USED IN THESE CALCULATIONS INCLUDES THE ACTIVE AREA.

FILL VOLUME BELOW OHW 14.759 CF FILL AREA BELOW OHW 7.475 SF DISTURBANCE AREA OUTSIDE FILL LIMITS 7.900 SF Alaska Department of Transportation and Public Facilities

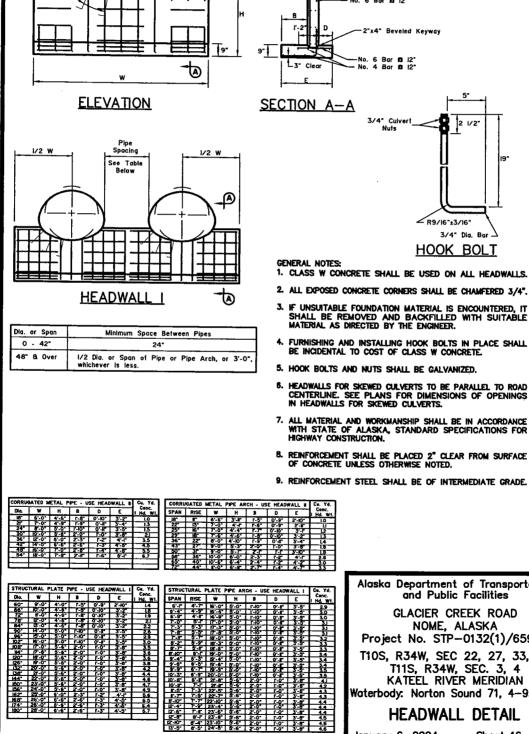
SEE SHEET 14

GLACIER CREEK ROAD NOME, ALASKA Project No. STP-0132(1)/65984 T10S, R34W, SEC 22, 27, 33, 34 T11S, R34W, SEC. 3, 4 KATEEL RIVER MERIDIAN

Waterbody: Norton Sound 71, 4–950098 CULVERT SECTION

January 6, 2004

Sheet 15 of 20



Pipe & Structure &

HOOK BOLTS 3" Min. from to of wall, 30" Max. "

C16_F_L5000

ΝΕ₩

dsy

at 14:05 by

project.03\031075_Geotech\3075- FIG16, 1=20, 01/09/04

SECTION A-A Culver R9/I6"±3/I6" 3/4" Dig. Bar . HOOK BOLT 1. CLASS W CONCRETE SHALL BE USED ON ALL HEADWALLS. 2. ALL EXPOSED CONCRETE CORNERS SHALL BE CHAMFERED 3/4". 3. IF UNSUITABLE FOUNDATION MATERIAL IS ENCOUNTERED, IT SHALL BE REMOVED AND BACKFILLED WITH SUITABLE MATERIAL AS DIRECTED BY THE ENGINEER. 4. FURNISHING AND INSTALLING HOOK BOLTS IN PLACE SHALL BE INCIDENTAL TO COST OF CLASS W CONCRETE. 5. HOOK BOLTS AND NUTS SHALL BE GALVANIZED. HEADWALLS FOR SKEWED CULVERTS TO BE PARALLEL TO ROAD CENTERLINE. SEE PLANS FOR DIMENSIONS OF OPENINGS IN HEADWALLS FOR SKEWED CULVERTS.

For dimensions 'X' and 'Y' and Bevel See Culvert Bevels

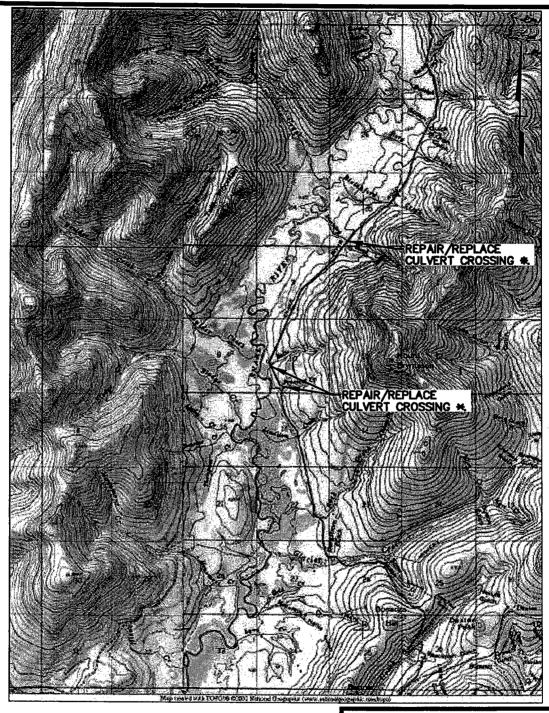
Alaska Department of Transportation and Public Facilities

GLACIER CREEK ROAD NOME, ALASKA Project No. STP-0132(1)/65984 T10S, R34W, SEC 22, 27, 33, 34 T11S, R34W, SEC. 3, 4 KATEEL RIVER MERIDIAN Waterbody: Norton Sound 71, 4—950098

HEADWALL DETAIL

January 6, 2004

Sheet 16 of 20



*MITIGATION MEASURES THAT DOTAPF IS PROPOSING TO THE COE FOR WETLANDS IMPACT WILL INCLUDE THE REPAIR AND REPLACEMENT OF EXISTING CULVERTS AT THE ABOVE THREE ANADROMOUS FISH CREEK CROSSINGS. THE CROSSINGS WOULD BE UPGRADED WITH CULVERTS AND CURRENT DESIGN, TO PROVIDE FOR Q00 HYDRAULIC CAPACITY AND ADEQUATE FISH PASSAGE.

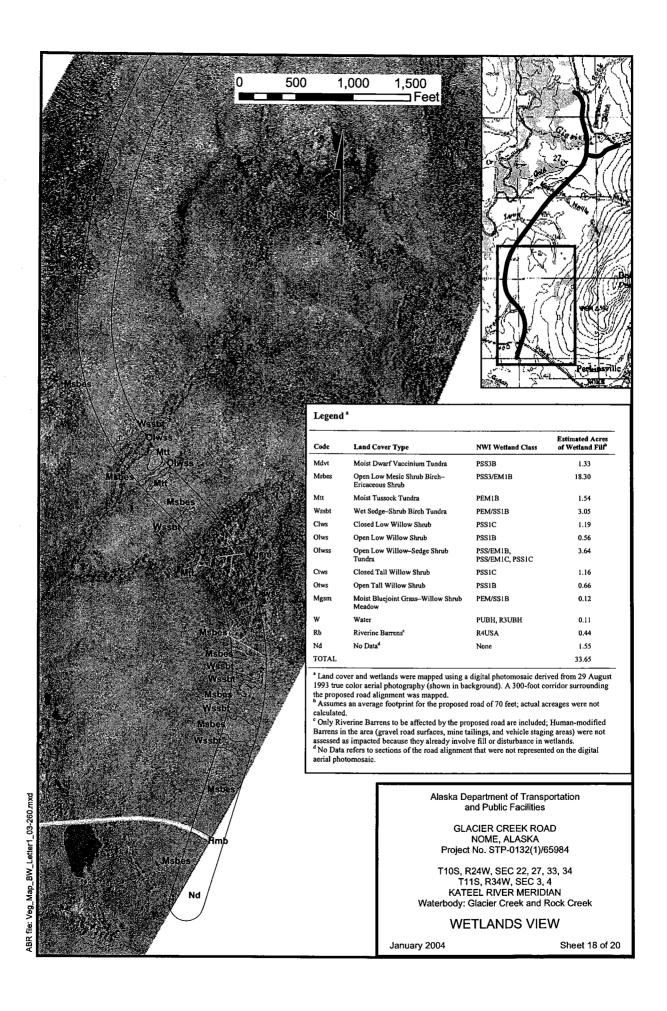
Alaska Department of Transportation and Public Facilities

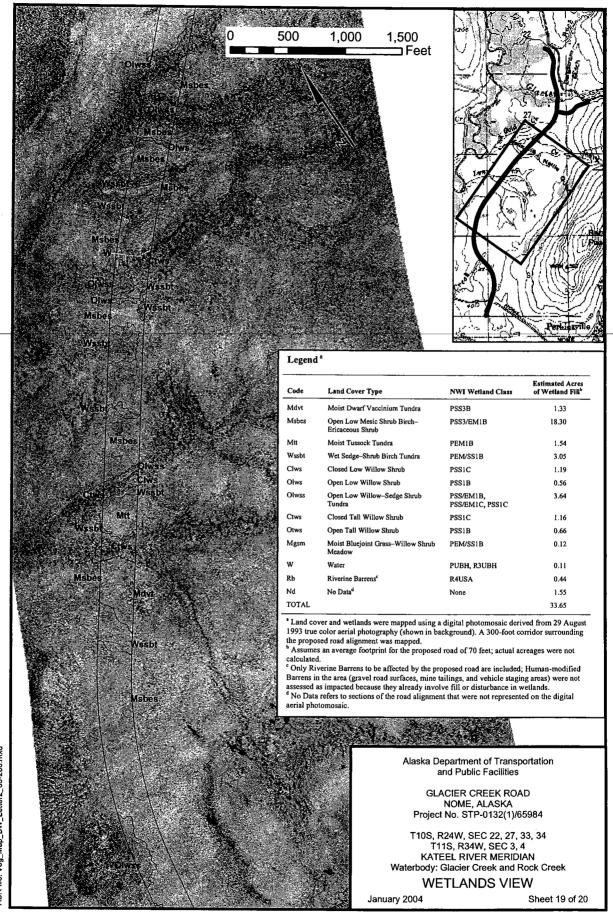
GLACIER CREEK ROAD
NOME, ALASKA
Project No. STP-0132(1)/65984
T10S, R34W, SEC 22, 27, 33, 34
T11S, R34W, SEC. 3, 4
KATEEL RIVER MERIDIAN
Waterbody: Norton Sound 71, 4-950098

PROPOSED MITIGATION

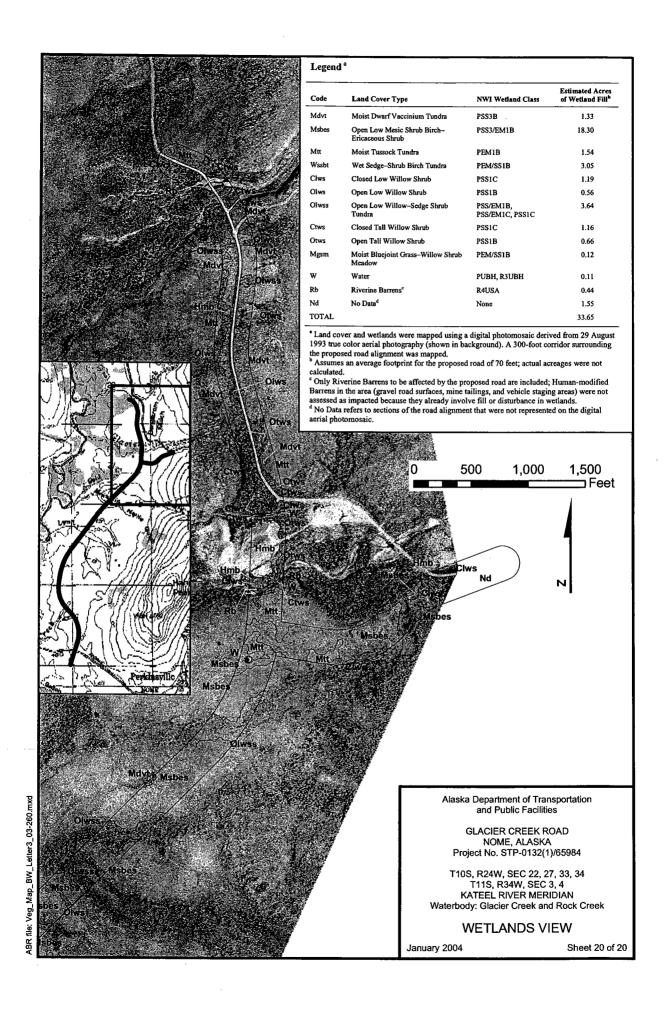
January 6, 2004

Sheet 17 of 20





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STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY Non-Point Source Control Section 401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2004-128, Snake River,** serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation WQM/401 Certification 555 Cordova Street Anchorage, Alaska 99501-2617 Telephone: (907) 269-7564

FAX:

(907) 269-7508

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF PROJECT MANAGEMENT AND PERMITTING DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE 550 West 7th Avenue, Suite 1660 ANCHORAGE, ALASKA 99501-3568 PHONE: (907) 269-7470/FAX: (907) 269-3981

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Division of Governmental Coordination for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **POA-2004-128, Snake River,** will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Alaska Division of Governmental Coordination. For information about this consistency review, contact DGC at (907) 269-7470 or (907) 465-3562, or visit the DGC web site at http://www.gov.state.ak.us/gdc/Projects/projects.html.

Attachment 3